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Lyle W. Cayce
Clerk, U.S. Court of Appeals, Fifth Circuit

United States Court of Appeals for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

October 4, 2022

Lyle W. Cayce
Clerk

IN RE CHRISTOPHER LEE THOMPSON,

Movant.

Motion for an order authorizing
the United States District Court for the
Northern District of Mississippi to consider
a successive 28 U.S.C. § 2254 application

Before ELROD, GRAVES, and HO, *Circuit Judges*.

PER CURIAM:

Christopher Lee Thompson, Mississippi prisoner # 88758, has filed a motion seeking authorization to file a second or successive 28 U.S.C. § 2254 application in district court. He asserts that the evidence produced at trial was insufficient to prove the facts alleged in the indictment or that he caused the victim's death.

To obtain authorization, Thompson must make a *prima facie* showing that either (1) the claim relies on a new, previously unavailable rule of constitutional law that was made retroactive to cases on collateral review by the Supreme Court, or (2) the factual predicate for the claim could not have been found previously through due diligence and the underlying facts, if proven, would establish by clear and convincing evidence in light of the evidence as a whole that, but for constitutional error, no reasonable trier of

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fact would have convicted the prisoner of the underlying offense. 28 U.S.C. § 2244(b)(2), (b)(3)(C). Thompson has not made the required *prima facie* showing.

IT IS ORDERED that the motion for authorization is DENIED.